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Md. Rafiqul Islam
Advocate
Judges Court, Comilla.

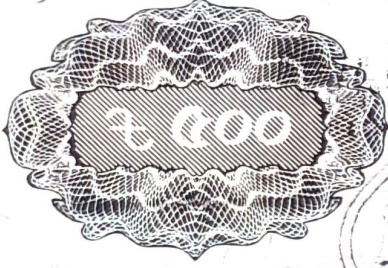
IN THE LEARNED COURT OF THE DISTRICT JUDGE, COMILLA.

(APPELLATE JURISDICTION)

AGAINST DECREE.

TITLE APPEAL NO. 46../2017.

Original Suit No. 2 of 2004 in the Ld. Court of 2nd Joint District Judge, Comilla.

1. Ali Hossain.
2. Ahmed Hossain.
3. Joynal Abedin all S/O Late Eaqub Ali, Vill. Sout Jaikamta.
4. Abdul Malek, S/O late Ali Azzam, Vill-Raipur, Post North Jaikamta. P.S Sadar Dhakhin, District: Comilla.
5. Nasima Akhter.W/O Late Nasir Ahmed, Vill-Jagapur, P.S. Sadar Dhakhin, District: Comilla.
6. Ayesha Khatoon. W/O Late Mir Hossain, Vill-Mandari, P.S Sadar Dhakhin, District. Comilla.

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..........Appellant

1. Md. Nurul Islam,
2. Nur Muhammed.
3. Shamsul Hoque,
4. Abul Khair. all sons of Late Mvi. Muhmmed Ali Hossain of Vill- Mandari, P.S Sadar Dhakhin, District. Comilla.
5. Rezia Begum W/O late Torab Ali,
6. Ibrahim Khalil,
7. Muhammed Ali,
8. Shamima Akhter,
9. Rokeya Akter, all S/O Late Torab Ali, Vill- Raypur, Post North Jaikamta. P.S Sadar Dhakhin, District: Comilla.
10. Sabani Bibi, W/O late Monohar Ali,
11. Momtazuddin,
12. Abdul Maleque, son of Late Monohar Ali,
13. Monoara Begume,

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14. Morioum Begum. Daughters of Late Monohar Ali, Vill- Raipur. P.O. Hazotkhala, P.S Sadar Dhakhin.
15. Abul Kalam,
16. Abul Hasem.
17. Nurun Nahar,
18. Rabiya Begum.
19. Nasima Begum.
20. Sapali Akhter. Sons and daughters of late Suraj Mia. Vill- Raipur. P.O. Hazotkhala.P.S. Sadar Dhakhin.
21. Sufia Khatoon. W/O Late Suraj Mia,
22. Mobarak Hossain.
23. Mafizul Hoque.
24. Nazer Ahmed. S/O Joynal Abedin of vill- Jaikamta.
25. Jashimuddin,
26. Bashirullah,
27. Abul Kalam, all sons of Late Ibrahim Khalil, Vill. Shikarpur. P.S. Sadar Dakhin.

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28. Nasiam Akhter. W/O Abdul Latif. Vill. Kashum Bari. P.S. Sadar Dakhin.

29. Rokeya Begum W/O. Md. Maruf. Vill. Chotta Bhatua, P.S. Barura, Dist. Comilla.

30. Abdul Malek.

31. Abdul Khaleque sons of Late Abdul Samad , Vill. Jaikamta.

32. Nurul Amin

33. Muhammed Ali, Son of Late Abdul Samad, Vill. South Jaikamta. P.S. Sadar Dhakhin., District. Comilla.

34. Hazera Begum. W/O. late Sirajul Hoque. Vil. Dhakhin Hazotiya,.

35. Anowar Hossain.S/O Late Sirajul Haque, Vill. Dhakhin Hazotiya.

36. Abdul Rari. S/O Late Sirajul Hoque, Village, Mandari.

37. Jaheda Begum.

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38. Zano Begum. All sons and daughters of late Sirajul Hoque, Vill. Dhakhin Hazotiya, P.S. Sadar Dhakhin. Dist. Comilla.

39. Abul Mia.

40. Moslem Mia,

41. Korpoler Nessa.

42. Sahida Begum. all sons and daughters of late Ali Akbar, Vill. Joikamta, P.O. Joykamta, P.S. Sadar Dakhin, Dist. Comilla.

43. Ayesha Khatoon.

44. Alek Hossain,

45. Abdul Kader,

46. Rabia Khatoon.

47. Shaheda Begum.

48. Rehana Begum, all Son and daughters of Late Mir Hossain. vill. Mandari,

49. Fetema Khatoon. W/O Late Nasaruddin. Vill. Mandari, Upazilla. Laksam.

50. Marium Bibi. S/O Late Ali Azam, Vill. Mandari.

51. Hazera Bibi. W/O. Serajul Islam, Vill. South Hazatia, Upazill. Laksam, Dist. Comilla.

52. Joigun Bibi, W/O. unknown, Vill. Jaikamta. P.S. Laksam,

53. Chand Mia, S/O. Abdul Aziz, Vill. Lakhipura,

54. Raveya Khatoon. W/O. Late Abdul Aziz Vill. Mandari,.

55. Habibullah,

56. Abdul Mannan

57. Nayantara.

58. Jaheda Begum.

59. Lazatarnessa.

60. Momena Khatoon all sons and daughters of Late Ali Mia, Vill. South Jaikamta.

61. Md. Habib Ullah. S/O late Ali Mia.

62. Abdul Manan. Son of Late Ali Mia. Vill. Jaikamta.

63. Nayantara, W/O. Kala Mia, Vill. Shaktaal, P.S. Laksam, Dist. Comilla.

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64. Jaida Khatoon. W/O. Abdul Samad, Vill. Shaktala, P.S. Laksam. Dist. Comilla.
65. Nazaternessa. W/O. Abdul Hamid @ Muni Mia, Vill. Kalikapur, P.S. Barura, Dist. Comilla.
66. Momena Khatoon. W/O. Mustafizar Rahman. Vill. Noapara. P.S. Barura, Dist. Comilla.
67. Shamsul Hoque,
68. Salimulla.
69. Kalimulla.
70. Rahela Begum. all sons and daughter of Late Ashadulla. Vill. Jaikamta.
71. Feroza Begum. W/O. of late Ali Akbor. Vill. Jaikamta,
72. Lal Mati Bibi. W/O. Late Abdul Kader, Vill. Jaikamta,
73. Abu Zahar,
74. Masuma Khatoon.
75. Saleha Begum. all sons and daughters of Late Abdul Kader.

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76. Rahima Khatoon. W/O. Late Abdul Mannan. Vill. Haldia, P.S. Laksam.

77. Rahaternessa W/O. Abdul Hashem. Vill. Ramchandrapur. P.S. Chauddagram. Dist. Comilla.

78. Shamsun Nahar W/O Abdur Rob, vill. Maskipur. P.S. Barura, Dist. Comilla.

79. Abdul Latif. Son of late Haji Abu Taleb, Vill. South Jaikamta.

80. Faiz Ahamed. Son of late Anu Mia.

81. Rahima Begum. W/O. Ibrahim.

82. Hafiza Khatoon. W/O Anu Mia. Vill. Jaikamta, P.S. Kotwali. Dist. Comilla.

83. Hafiza Khatoon. W/O. Abbas Ali.

84. Abu Taher.

85. Abdul Hoque. sons of Shamsul Hoque.

86. Shamsul Hoque. Son of late Salimuddin Vill. Raipur.

87. Nurernessa, W/O Mafizur Rahman. Vill. Raipur. P.S. Laksam, Dist. Comilla.

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88. Amena Khatoon. W/O. Julfu Mia, Vill. Laxmipur.

89. Anwar Hossain.

90. Jaheda Khatoon all son and daughter of Late Serajul Islam, Vill. South Hazatia.

91. Fazlur Rahman. Son of Late Ana Mia,

92. Halima Khatoon W/O. Fazlur Rahman.

93. Md. Kamal Hossain. Son of Serajul Islam. Vill. South Jaikamta , P.S. Sadar Dhakhin. Dist. Comilla.

94. Shahid Uddin Ahmed. Son of Late Jahir Uddin Ahmed, Vill. Mandari, P.S. Sadar Dhakhin. District. Comilla.

.... Defendant - Respondant.

Title Appeal is Valued at taka. 94,600/- only.

Being aggrieved by and dissatisfied with the Judgment delivered on. 06/11/2016 and Decree signed on. 13/11/2016 by Mrs. Shyla Sharmin, Ld. Joint District

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Judge, 2nd Court, Comilla. giving some illegal findings and decision against these defendant Nos. 1-5 in the Title Suit no. 02 of 2004 and thus they as the appellants beg to prefer this title appeal on the following amongst other.

GROUNDS.

1.For that the learned lower Court erred both in law and in fact in giving some illegal findings and decisions against these defendants.

2.For that the learned court below erred both in law and in fact in holding that the defendant nos. 1-5 obtained fraudulent preliminary and final decree through partition suit no. 251 of 84 (78 of 1981) inspite of the fact that the plaintiffs had no locus standi to challenge the said judgment and decree.

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3. For that the Court below erred both in law and in fact in not holding that the present suit was barred by principle of resjudicata, and estoppel in as much as the earlier preliminary and final decree were passed in presence of the plaintiffs and their predecessors.

4. For that the court below erred both in law and in fact in holding that the deed nos. 8056 and 5042 dated 14.12.1968 and 03.06.1969 were fraudulent, fabricated, false, ineffective and non existent through which the defendant nos. 1-5 did not get title and possession over the suit land inspite of that the executants of the said deeds as the defendant no. 17-18 of the earlier title suit no. 78 of 1981 and their heirs as the defendant nos. 51,52,54 of the present suit admitted transfer of suit land by the said deed nos. 8056 and 5042.

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5. For that Fatema and another did not transfer any land by Nadabi Mukhti patra dated 16.02.1983 and 17.02.1983 Exhibit Ka, Ka(1) rather they ratified their earlier transfer by the said deeds. But the court below being misconceived illegally took negative view against the said Nadabi Patra. As such the said findings and decision cannot be sustained in the eye of law.

6. For that the learned court below most illegally held and found that the plaintiffs became owners of 56 decimal land from Elemjan and her heirs and 91 decimal from Fatema totalling 161 decimal land by several deeds although the alleged executants denied transfer to the plaintiffs and then took attempt to send the document for expart opinion in the present suit.

7. For that the court below should have found the admitted title and possession of these defendants in the

suit land and vice versa the plaintiffs have or had no title and possession in any portion of the said land and ought to have dismissed the suit. The contrary findings are not tenable in the eye of law.

8. For that the court below should have found from the record that Ali mia, father of the plaintiff nos. 5-6 and Abdus Samad father of the defendant nos. 13-16 were the defendant no. 8 and 11 in earlier title suit no. 78 of 1981 and the plaintiffs nos. 1-11 having failed to produce title deed the learned court did not implead ~~those~~ them as parties in the afore said suit. As such the court below ought to have held that the plaintiffs had no locus standi to challenge the title of these defendants in the suit land and also the decree of title suit no 78 of 1981. The adverse findings and decision are liable to be set aside.

9. For that the learned court below should have found from the evidences on record that the plaintiffs failed to assert and prove manner of possession in the suit land and as such the court below ought to have discarded their claim of title and possession there in.

10. For that the findings and decisions of the court below as regards acquisition of title of the plaintiffs in 161 decimal of land and disbelief of title of these defendants are false, baseless and extraneous in nature. As such the said findings and decision are liable to be reversed and then removed from impugned judgment and decree.

11. For that the court below should have held and found that the plaintiffs deeds were forged, ineffective and collusive by which they did not acquire any title and possession in the suit land. The contrary findings are untenable in the eye of law.

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12. For that the rest would be urged verbally ~~of~~ at the time of hearing the appeal.

CERTIFICATE

I do hereby certify that I have gone through the papers and documents produced to me and in my opinion there are good grounds for this appeal and having prepared I undertake to support the grounds at the time of hearing.

Md. Rafiqul Islam

Advocate.
22.03.2017

Bangladesh Form No.3701

হাইকোর্ট বিভাগ ফরম নং (জে)২

HIGH COURT FORM NO.(J)2

মুল মোকদ্দমা/মামলার রায়ের শিরোনামা

HEADING OF JUDGMENT IN ORIGINAL SUIT/CASE

District: Comilla.

In the court of 2nd joint District Judge, Comilla.

উপস্থিতঃ-

Present: Ms. Shyla Sharmin, Joint District Judge.

Sd. Illegible
6.11.16

সালের মাসের দিবসের বার

The 6th November, 2016.

সালের মোকদ্দমা/মামলা নং

Title Suit/Case No.02 of 2004.

Md. Nurul Islam & others .... Plaintiff(s).
Petitioner(s)

Versus.

Ali Hossain & others .... Defendant(s).
Opposite Party.

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This suit/case coming on for final hearing on (1)

In the presence of

Advocate(s) Shankar Kumar Saha for Plaintiff(s).
Pleader(s) Petitioner(s)

Advocate(s) Md. Rafiqul Islam for Defendant(s).
Pleader(s) Opposite party.

And having stood for consideration to this day, the court delivered the following judgment:-

This is suit for partition filed by plaintiff side for declaring title over the scheduled lands along with recovery of khas possession over the 2nd scheduled lands and to declare preliminary decree of suit no.78/81 dated 26.08.84 passed by Ld. 3rd Sub-judge Court, final decree of the same suit as

numbered 251/84 of Ld. 2nd Sub-judge Court along with to declare deed no.6404 dated 17.05.80, deed no.18652 dated 23.12.95 as void, inactive and not binding upon plaintiff side.

The fact in brief is that original owner of the scheduled lands was Tun Gaji and CR khatian no.48/122 was recorded in his name. Then he died leaving son Amiruddin and daughter Esha Bibi. Though CR khatian was recorded in the names of Amiruddin it never effected title possession of Esha Bibi. Then Esha Bibi died leaving two sons Najumuddin @ Nasarluddin and Basaruddin. As their mother Esha Bibi died in childhood maternal uncle Amiruddin brought up them and daughter of Amiruddin, Fatema was married to Nasaruddin. Then 1st, 2nd

and 3rd scheduled lands were sold in auction and Zamindar Hossam Haider Chowdhury purchased the lands. Then Hossam Haider executed `Brittinama' (বৃত্তিনামা) no.1850 dated 18.07.1911 in favor of Hossa Miah Madrashwa and after auction purchase Hossam Haider called for kabuliyat from Amiruddin, Nasaruddin and Basaruddin. Then they executed kabuliyat dated 27.03.1913. Nasaruddin sold 71 decimal lands to Altab Ali through deed dated 12.06.1919 and plaintiff no.12 is the daughter of Altab. SA khatian no.75 was recorded in his name. Nasaruddin died leaving wife defendant no.18, four sons Mir Hossain and defendant no.6/7/8 and two daughters defendant no.9/10. Defendant no.11-16 are the heirs of Mir

Hossain. Amiruddin died leaving daughters Alemjan, Kulsum (predecessor of defendant no.19/20), Fatema, Joynab and sons Oli Ahamad, Ali Ahmad. After death of Oli Ahmad Fatema and Ali got the lands. Wife of Ali Ahmad executed nadabi deed in favor of defendant no.18, Alemjan sold 12 decimal lands to plaintiff no.6 through deed no.153 dated 8/1/76 and she also gifted 44 decimal lands to her two minor grandsons through deed no.154. Then Sirajul Islam on behalf of the aforesaid minor as father sold the said 44 decimal lands to plaintiff no.1-4 through deed no.15663/15664/15665/15666 and accordingly plaintiff no.1-4/6 has been in possession of 56 decimal lands of the schedule. Defendant no.18 Fatema sold 91

decimal lands in total through deed no.2959/1990/4291/1918/3049/4292/2739 registered in different dates. Fatema defendant no.18 gifted 2 acres of lands to her sons Osman and Mir Hossain through deed no.13205 dated 26.06.76 and in suit no.72/78 defendant no.6 got 2 acres of lands through solehnama and he sold 58 decimal lands to plaintiff no.1-4/13-15/13-16 through deed no.2242/980/5990. Defendant no.11-16 got lands from father Nasaruddin and in solehnama executed in Suit no.72/78 and sold 114 decimal lands to plaintiff side through deed no.3659/13580/2530/2522/2529/2521. Defendant no.6/7/8 and Mir Hossain sold 71 decimal lands through deed no.2682/2683

and defendant no.6-8, Kulsum sold 4 decimal lands to plaintiffs through deed no.3356/155, predecessor of defendant no.12-17 sold 4 decimal lands and Amir Hossain as guardian of his minor son Anowar Hossain sold 19 decimal lands through deed no.8105, Mir Hossain as guardian of defendant no.13 sold 10 decimal lands through deed no.1718 and Mir Hossain also sold 20 decimal lands through deed no.1470 to plaintiff side. Defendant no.19/20 sold 12 decimal lands through deed no.3355 to plaintiff no.5. Father of defendant no.12 inherited 71 decimal lands. Accordingly plaintiff side has been in possession of 5.12 decimal of the scheduled lands. SA khatian no.18/19/20 of Mandari mouja, 206/207/190 of

Joykamta mouja, 18/75 of Raipur mouja had been recorded in the names of plaintiffs' predecessor. Defendant 1-16 had fabricated two deeds no.8056/5042 from defendant no.17/18 in respect of 512 decimal lands of the schedule fraudulently and mentioned in the plaint of suit no.78/81 of 3rd Sub-Judge Court (renumbered as 305/81 in 4th Sub-judge Court) of those non-existent deeds. For the above mentioned suit plaintiffs' title over the suit lands has been affected. Defendant side managed ex-parte decree in suit no.78/81 (305/81) in secret and plaintiff side had no knowledge of the suit. Even plaintiff side was not aware of the deed no.8056/5042. Moreover plaintiff side got the information on 28.11.84. Plaintiff side

was dispossessed from the suit lands through execution case no.$\frac{1/04}{7/84}$ on 30.09.14 and thus cause of action arose and hence this suit is filed.

On the other hand defendant no.1-5 by submitting w/s denied all material allegations and contending inter alia that the suit is not maintainable in its present form and manner; the suit is barred by defects of parties, consent, waiver, estoppels and acquiescence; the suit is barred by res judicata; there is no cause of action. According to w/s, Amiruddin was owner of 304 decimal, 181 decimal and 222 decimal lands of CR khatian no.7/48/122 respectively and CR khatian was recorded in his name. Nasaruddin and Basaruddin never had any title

possession over the scheduled lands. Amiruddins' daughter defendant no.18 Fatema Bibi was got married to Nasaruddin of Mandari mouja and he lived in the house of Amiruddin and his brother Basaruddin was the caretaker of Amiruddin's property. Then Amiruddin died leaving third wife Sabjan Bibi, two sons Oli Ahmad, Ali Ahmad, defendant no.18 as daughter from 3rd wife, daughter Joynab from 1st wife and daughters defendant no.17 (recently dead), Kulsum form 2nd wife. If Nasaruddin, Basaruddin fabricated any kabuliyat in respect of scheduled lands the same was inactive and illegal. Then Ali Ahmad died leaving wife Joygun, brother Oli and sister defendant no.18 as heirs. Oli Miah died leaving defendant no.18 as only heir.

Joynab d/o Amiruddin and Joygun w/o Ali Ahmad executed nadabinama in favor of defendant no.18. Accordingly defendant no.18 got the total of the scheduled lands and sold 145 decimal lands through deed no.8056 dated 14.12.1968 to defendant no.1/4/5 and 367 decimal lands to defendant no.1-3 through deed no.5042 dated 03.06.1969. and defendant no.1-5 have been in possession of the scheduled lands. However, during liberation war Chouddagram SR office was burnt and so at present it is not possible to get certified copy and original copy was lost. In that situation defendant no.17/18 executed nadabinama deed dated 17.02.7983 in favor of defendant no.1-5. Then as plaintiff defendant no.1-5 filed partition suit

no.78/81 in 3rd Sub-judge Court and defendant no.17/18 of present case was included as defendant no.1/2 of that suit fathers of plaintiff no.5/6/13-16 Ali Miah, Abdus Samad were included as defendant no.8/11 of that suit. In that suit defendant no.8/11 asked for deeds no.8056/5042 and as those deeds were submitted they did not contest in that suit. Then plaintiff no.1-4 of the present suit submitted petition u/ord. I rule 10 in that suit and the petition was disallowed as they failed to submit any deeds in support of their claims. Defendant no.1-5 filed suit no.305/81 for permanent injunction against the plaintiffs of present suit in 4th Sub-judge Court and Ld. Court passed order for temporary injunction against the

plaintiff no.1/3-7/9/13-16 which is under proceedings in Laksam Assistant Judge Court (renumbered as 516/83). Plaintiff was well informed of the suit no.78/81 and 305/81 and fraudulently filed this suit only to harass defendant no.1-5 plaintiff side has no title possession over the suit lands and the suit must be dismissed.

Defendant no.51/52/54 submitted w/s supporting the case of defendant no.1-5. According to them, defendant no.51/52 purchased 12 decimal lands of CR khatian no.7 from defendant no.12 i.e. heir of Kulsum through deed dated 17.05.1980. Defendant no.51 sold 4 decimal lands to defendant no.54 through deed dated 23.12.1995. Plaintiff side has no title

possession and so the suit must be dismissed with cost.

ISSUES

The following issues have been re-framed after considering both parties' pleadings:-

1) Whether the suit is maintainable.

2) Whether the suit is barred by res judicata.

3) Whether the suit is barred by waiver, estoppels and acquiescence.

4. Whether the plaintiff has title possession over the suit lands.

5) Whether partition suit no. $\frac{78/81}{251/84}$ is liable to be cancelled.

6. Whether deed no.8056 dated 14.12.68 , deed no.5042 dated 3.06.69, deed no.6404 dated 17.05.80 and deed no.18652 dated 23.12.95 is illegal, void and inactive.

7. Is the plaintiff entitled to get relief as prayed for ?

Findings & Decision

As pw1 of the suit Sirajul Islam i.e. clerk of the Chouddagram Sub-registry office.

To prove their case plaintiff side examined five witnesses, pw2-Nur Mohammad, pw3-Saleh Ahmad, pw4-Ali Miah, pw-5 Mahabbat Ali, pw-6Mohammad Ali and submitted documents marked as from Exhibit-1(series) to 13.

On the other hand, defendant no.1-5 examined Md. Ali

Hossain as Dw1, Nurujjaman as Dw11, Tofazzal Hossain as Dw2, Abu Taher as Dw3 and submitted documents marked as from Exhibit-ক, ক/১, খ, গ and ঘ, ঘ/১, ঘ/২,

Defendant no.51/52/54 examined Fajlur Rahman as Dw4, Ahmad Hossain as Dw5 and submitted documents marked as exhibit-ক(১)/ক(২).

Issue No.1, 2, 3 & 4

As all the issues are related taken together for discussion and proper adjudication.

According to defendant no.1-5, original owner of the scheduled lands was Amiruddin and CS khatian no.7/122/48 [Ext.1, 1/ka, 1/kha] was recorded in his name. However,

plaintiff side claims that original owner of the lands was Tun Gaji and he died leaving son Amiruddin and daughter Esha Bibi. But mistakenly named of Esha Bibi was not recorded in the mentioned CS khatian. In support of such claimed plaintiff side neither submits any documentary nor oral evidences. On the other hand, from CS khatian no.7/122/48 it is found that Amiruddin's name had been recorded as tenant. Plaintiff side also claimed that Esha had two sons Nasaruddin, Basaruddin and they got the share of their mother as heirs. Again plaintiff side claimed that Zamindar Hossain Haider Chowdhury purchased the scheduled lands in auction when the rent of lands remained unpaid and through `Brittinama' no.1850 dated

18.07.1911 [Ext-9]. Then he called for kabuliyat from CS tenant Amiruddin and Nasaruddin, Basaruddin. Amiruddin and Nasaruddin, Basaruddin executed kabuliyat dated 27.03.1913 [Ext-3/3(ka)] towards Hossam Haider Chowdhury. However, no auction documents in the name of zamindar Hossain Haider Chowdhury has been submitted before the court. Moreover on perusal of exhibit-3/3(ka) it is found that even those two kabuliyat do not disclose the fact how Hossain Haider Chowdhury became owner of the lands and in the deed no auction deed number is mentioned. Accordingly it is determined that plaintiff side has failed to prove the validity of kabuliyat executed by Amiruddin and Nasaruddin, Basaruddin.

Moreover it is also not proved that as heir of Esha Bibi, Nasaruddin and Basaruddin got the scheduled lands.

Beside this in the plaint plaintiff side claimed that heirs of Basaruddin died leaving wife and brother Nasaruddin. Then predecessor of plaintiff no.1-4 purchased share of Basaruddin's wife. However, in the plaint neither name of Basaruddin wife's nor the portion of lands sold by her is mentioned and no deed number is also mentioned. So, it is not clear how much lands plaintiffs' predecessor purchased from Basaruddin's wife. Moreover, from exhibit-1(ga)/1(gha) it is clearly proved that Basaruddin had no title possession over the suit lands as in SA khatian no.19/190 name of Basrauddin was not recorded as

tenant.

Plaintiff side in plaint also mentioned that they purchased lands from defendant no.6-16 but number of deed, quantity of lands and names of vendees is mentioned.

In the plaint it is claimed that Amiruddin died leaving sons Oli Ahmad, Ali Ahmad and four daughters Fatema, Kulsum, Elemjan i.e. defendant no.17, Joynab. However, defendant no.1-5/51/52/54 claims that Amiruddin died leaving 3rd wife Sabjan, two sons, one daughter i.e. defendant no.18 from Sabjan, one daughter Joynab from 1st wife, two daughters Kulsum, Elemjan from 2nd wife. As two sets of defendants claim that during death of Amiruddin his 3rd wife

was alive the same be admitted as authentic and proved. Accordingly wife got 76.5 decimal, each daughter got 66.97 and each son got 133.87 decimal lands. Then after death of Sabjan Bibi defendant no.17 (recently dead)/18 each became owner of total 82.27 decimal lands. Then Oli Ahmad died leaving wife and sister. Wife of Oli Ahmad executed nadabinama in favor of Fatema i.e. defendant no.18 of this suit. However nadabinama does not create any title and no such nadabinama has been submitted before the present Court. So, the plaintiff side has failed to prove that Fatema got the lands of Oli Ahmad.

Then plaintiff side claimed that Elemjan sold 12 decimal

lands of plot no.532 CS khatian no.48 through deed no.153 dated 08.01.1976 [Ext-2] to plaintiff no.6 and gifted 44 decimal lands to grandson Nurul Hoque, Abdul Barik through deed no.154 [Ext-2(ka)] by mentioning all the plot numbers of CS khatian no.7. No boundary is mentioned in the deed no.154. Then Sirajul Islam i.e. father of Nurul Hoque, Abdul Barik sold the 44 decimal lands of deed no.154 on behalf of his sons through deed no.15663/15664/15665/15666 dated 22.11.1979 [Ext.-2(kha)/2(ga)/2(gha)] to plaintiff no.1-4. So, title of plaintiff side over 56 decimal lands of the schedule is clearly proved.

According to plaintiff side, predecessor of plaintiff no.1-

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4 purchased 6 decimal lands through deed no.2959 dated 8.04.1950 [Ext.-2/চ], 20 decimal lands through deed no.4291 dated 04.04.1977 [Ext.-2/চ(১)] and 12 decimal lands through deed no.1900 dated 02.03.1954 [Ext.-2/ল] in total 38 decimal lands from defendant no.18. It is also claimed that defendant no.18 sold 20 decimal lands to plaintiff no.5 through deed no.1918 dated 20.02.76 [Ext.2/ছ]. 21 decimal lands to plaintiff no.9-11 through deed no.3049 dated 11.03.76 [Ext.-2/জ] and deed no.4292 dated 04.04.77 [Ext.-2/ঝ], 12 decimal lands to plaintiff no.8 through deed no.2731 dated 04.03.76 [Ext.-2/ঞ] in total 91 decimal lands. Accordingly title of plaintiff side over 91 decimal lands is proved.

Plaintiff side in the plaint also claimed that pro-forma defendant no.6 got 2 acres of lands through oslehnama submitted in title suit no.78/72 as filed in 4th Munsef Court, Comilla, Then defendant no.6 sold 58 decimal lands to plaintiff side through deed no.2242 dated 16.02.78 [Ext.-2/ট], deed no.980 dated 28.01.78 [Ext.2/ঠ] and deed no.5990 dated 04.10.77 [Ext.-2/ড]. However, no document in relation to title suit no.78/72 is submitted before the Court to prove title of defendant no.6. Accordingly it is decided that plaintiff side has failed to prove their title through exhibit-2/ট, 2/ঠ, 2/ড.

Plaintiff side also claimed that heirs of Nasaruddin sold 114 decimal lands to them through deed no.3659 dated

31.03.77 [Ext.-2/চ], deed no.13580 dated 20.07.78 [Ext.-2/ন], deed no.2522, 2529, 2530 dated 15.02.79 [Ext.-2/ত, ২/থ, ২/দ]. However, as plaintiff side failed to prove title of Nasaruddin over the suit lands and did not submit in support of title suit no.78/72 before the suit lands it is determined that plaintiff side has failed to prove their title and possession in respect of 114 decimal lands of the schedule.

Plaintiff side in the plaint also claimed that defendant no.6-8 i.e. heirs of Nasaruddin sold 71 decimal lands to plaintiff side through deed no.2682, 2683 [Ext.-2(ধ), (ন)]. However, it is already determined that Nasaruddin had no title possession over the suit lands so deeds executed by his heirs

are not legally effective at all.

According to plaintiff side they purchased 2 decimal lands from Amiruddin's daughter Kulsum through deed no.3356 dated 18.03.76 [Ext.-2(প)] and the same is proved. However, though plaintiffs claimed they purchased 4 decimal lands from defendant no.6 and predecessor of defendant no.12-

27 through deed no.1917 and 2 decimal lands from defendant no.7 through deed no.155 [Ext.2(ফ), (ব)] the same is not proved at all. plaintiff side also claimed that Mir Hossain i.e. son of Nasaruddin sold lands to them through deed no.8105, 1718, 1470 [Ext.2(ভ), (ম)] but as Nasaruddin's title was not proved plaintiff side did not attain any title possession through

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the said deeds.

Defendant no.19/20 i.e. heirs of Amiruddin's daughter Kulsum sold 12 decimal lands to plaintiff no.5 through deed no.3355 [Ext.-2(য)]. In the said deed and the same is proved.

Though plaintiff side claims that plaintiff no.12 as daughter of Nasaruddin, Basaruddin got 71 decimal lands through inheritance title of Nasaruddin, Basaruddin was not proved and moreover from the plaint it is not clear as whose daughter she got lands and so the same is not prove at all.

Accordingly plaintiff side claims title over 5.12 acres of scheduled lands through several deeds and as heirs of Nasrauddin. However, from the above discussion it is clearly

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proved that plaintiff side has title over 161 decimal lands of the schedule and they have failed to prove their title over the rest 350 decimal lands of the schedule. Moreover, as it is a suit for declaration scheduled lands must be specific. In the schedule to the plaint plaintiff side do not include any boundary of the suit lands and most of their deeds through which they claim title possession over the suit lands do not include any boundary of the lands purchased by them. So, it is determined that suit land is not specifically identified and accordingly plaintiff side is not legally entitled to get a decree of title in respect of the total 5.12 acres of suit lands though their title over 161 decimal lands of the schedule is proved through several deeds. Plaintiff

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side also claimed that they were dispossessed from the 2nd scheduled lands on 30.09.14 through decree execution case no. $\frac{1/04}{7/84}$ and thus claimed for recovery of possession of the lands by evicting defendant side from the suit lands. However, as plaintiff's title in respect of 1.61 acres of lands of the schedule is proved and as there is no specific boundary of the said lands they are not entitled to get a decree for recovery of possession by evicting defendant no.1-5 from the suit lands over which they have been able to prove their title. Moreover, though it is admitted that plaintiff side had been dispossessed by the decree of partition suit no. $\frac{78/81}{251/84}$ in respect of 5.12 acres of lands of the schedule they have seriously failed to prove title in regard

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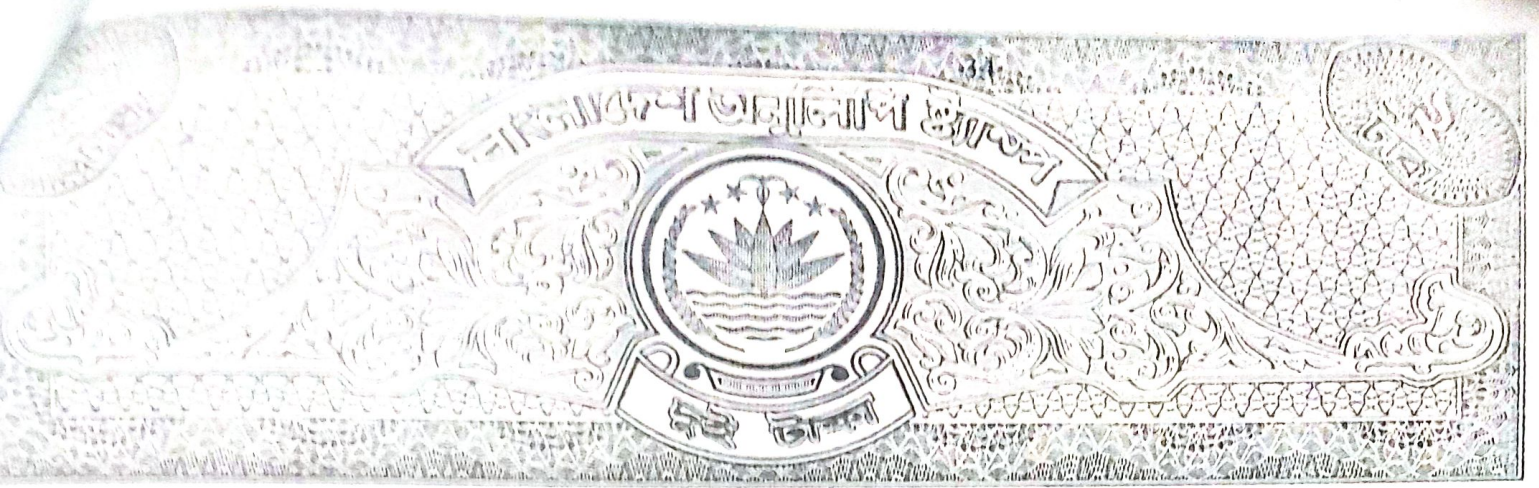
to the total claimed lands.

Plaintiff side in the prayer of the plaint claimed relief against judgment, preliminary and final decree of partition suit no. $\frac{78/81}{251/84}$ which according to them was obtained fraudulently by the defendant no.1-5 of present suit. Defendant no.1-5 in their w/s has claimed that plaintiff side was well informed of the partition suit no. $\frac{78/81}{251/84}$ [Ext.-7(se)] and their predecessor submitted petition u/order 1 rule 10 for adding them as parties to the suit. But the petition was disallowed as they failed to submit documents in support of their petition. Against the said order they filed revision in the Honorable High Court Division which was also dismissed. The fact is admitted by plaintiff

side. However, plaintiff side claims that defendant no.1-5 with the help of defendant no.17/18 concocted nadabinama deed no.12598/12599 dated 14.06.83 [Ext.-ক/ক(১)] by mentioning the reference of deed no.8056 dated 14.12.68 in respect of 1.45 acres of lands and deed no.5042 in respect of 3.67 acres of lands and mentioned of the both deeds in the 3rd paragraph of plaint of perpetual injunction suit no.305/81 which were shown as registered in Chouddagram sub-registry office. However, those deeds were not in existence at all and in the present suit defendant no.1-5 did not submit any copy of both deeds and in their w/s they claim that those deeds had been lost and for that reason in respect of 5.12 acres of lands defendant no.17

(recently dead)/18 executed nadabinama deed no.12598/12599 dated 14.06.83 [Ext.-ক/ক(১)]. Defendant side in the present suit submitted petition to exempt them from submitting copy of those deeds and through order dated 19.11.2014 they were debarred from submitting those deeds during evidence recording stage. Defendant no.1-5 even did not submit any certified copy of those deeds. From the record it is found that to prove the non-existence of those deeds plaintiff side submitted petition before the present Court to call for concerned register from the sub-registry office and the bearer from registry office deposed in the Court as Pw1-Sirajul Islam and from the concerned register it was found that deed no.8056

was not registered in the Chouddagram Sub-registry office and the vendee of the deed no.5042 was some Rangu Miah i.e. not the defendant no.17/18. So, it is clearly proved that deed no.8056 and 5042 were not in existence and defendant no.1-5 obtained fraudulent preliminary and final decree through partition suit no. $\frac{78/81}{251/84}$ by submitting nadabinama no.12598/12599 which was executed by mentioning deed no.8056/5042. According to law, nadabinama neither creates any title nor pass any possession in respect of any lands. Moreover, in the partition suit no. $\frac{78/81}{251/84}$ defendant no.1-5 attained decree on basis of nadabinama which were executed on basis of two fraudulent and non-existence deed

no.8056/5042 and through which defendant no.1-5 did not get any title possession over the suit lands. Though in the w/s it is claimed that defendant no.18 in partition suit no. $\frac{78/81}{251/84}$ admitted that she sold lands to defendant no.1-5 it is already decided that nadabinama does not create any title and judgment decree of that suit was obtained by them fraudulently on basis of two non-existence deeds. Defendant no.51/52/54 supported the statements of defendant no.1-5 which has already been proved as false and fraudulent so, there is no legal basis to consider their claim too. However, from the record and evidence it is found that they purchased 12 decimal lands from defendant no.22 i.e. son of Amiruddin's daughter Kulsum

through deed no.6404 dated 17.05.80 [Ext.-ক(১)] and the said deed did not affect title of plaintiff over the suit lands. Accordingly deed no.18652 dated 23.12.95 [Ext.ক(২)] also did not affect title of plaintiff side over the suit lands which was executed by defendant no.51 in favor of defendant no.54.

In the present suit plaintiff side claims to declare the judgment, preliminary and final decree as void, ineffective along with to declare deed no.8056/5042 as fabricated, false, inactive. From the above discussion it is already determined that plaintiff side has title over 1.61 acres of the scheduled lands and their title have been affected by the judgment decree of partition suit no. $\frac{78/81}{251/84}$ and it is also proved that defendant

side obtained fraudulent decree in respect of the scheduled lands which affect title of plaintiff side in respect of 161 decimal lands. However, as it is already decided that plaintiff side has failed to prove title over total 5.12 acres of lands legally it is not possible to pass a decree for cancelling judgment decree of partition suit no. $\frac{78/81}{251/84}$ which was filed in respect of 5.12 acres of lands.

Beside these, it is already decided that deed no.8056/5042 has no existence at all and so those deeds are void ab initio. However, as plaintiff side has failed to prove their title in respect of total 5.12 acres of lands they are not entitled to get a decree against the deeds also. Moreover, as

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those deeds do not exist at all declaration of those deeds as illegal and void is not necessary at all.

Hence, the issues are decided according to the above discussion.

Issue No.5

It is already been decided that plaintiff side has clearly proved their title over 161 decimal lands of the schedule but as no specific boundary has been mentioned in the schedule to the plaint plaintiff side is not entitled to get a decree for declaration of title along recovery of possession by evicting defendant no.1-5 from that 5.12 acres of lands of the schedule. As plaintiff side is not legally entitled to get a decree for declaration of title along with recovery of possession

accordingly they are not entitled to get relief against other prayers of the plaint too.

So, it is determined that plaintiff side is not entitled to get relief as prayed for.

Court fee paid is correct.

Hence,

ORDERED.

that the suit be dismissed on contest against defendant no.1-5/51/52/54 and ex-parte against the rest without any cost.

Written & corrected by me.

Sd. Illegible
6.11.16
2nd Joint District Court,
Comilla.

Sd. Illegible
(Shyla Sharmin)
6.11.16
2nd Joint District Court,
Comilla.

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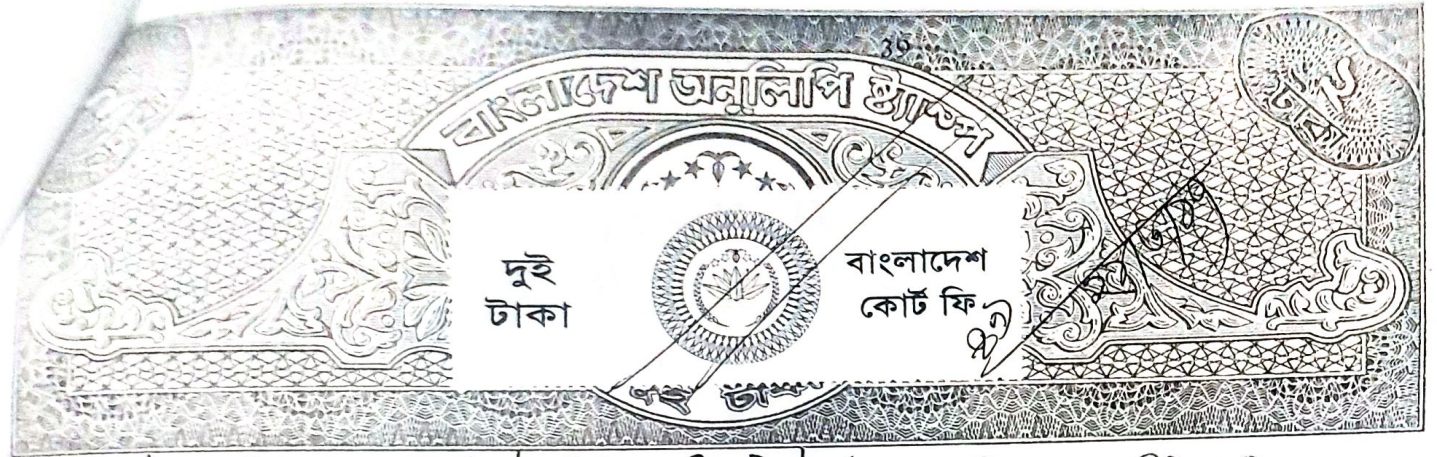
হাইকোর্ট ফরম নং (জে) ২৫-এ

আদিম মোকদ্দমার ডিক্রী

(দেওয়ানী কার্য্যবিধি আইনের ২০ অর্ডার ৬ ও ৭ রুল)

জেলা-কুমিল্লা।

মোকামঃ যুগ্ম জেলা জজ ২য় আদালত, কুমিল্লা।

দেওয়ানী মোকদ্দমা নং-২/২০০৪ ইং।

বদলী সূত্রে প্রাপ্তির তারিখঃ ১১/৪/২০০৪ ইং।

১))মোঃ নুরুল ইসলাম, ২) নূর মোহাম্মদ, ৩) সামছুল হক, ৪) আবুল খায়ের, সর্ব পিতামৃত-মৌঃ মোহাম্মদ আলী হোসেন, সাং-মানদারী, ৫নং বাদী মৃত তোরাব আলীর ওয়ারিশঃ-৫(ক)-স্ত্রী রেজিয়া বেগম, পতিমৃত-তোরাব আলী, ৫(খ)-পুত্রঃ ইব্রাহীম খলিল, ৫(গ)-পুত্রঃ মোহাম্মদ আলী, ৫(ঘ)-কন্যাঃ শামিমা আক্তার, ৫)ঙ)-কন্যাঃ রোকেয়া আক্তার, পিতামৃত-তোরাব আলী, সাং-রায়পুর, থানা-লাকসাম, জিলা-কুমিল্লা, ৬) মনোহর আলী, পিতামৃত-আলী মিয়া, সাং-রাইপুর, ৭) সুরুজ মিএগা, পিতামৃত-

সফর আলী, ৮) সুফিয়া খাতুন, পতি-সুরুজ মিঞা, সাং-রাইপুর, ৯) মোবারক হোসেন, ১০) মফিজুল হক, ১১) নজির আহাম্মদ, পিতা-জয়নাল আবদিন, সাং-পঃ জয়কামতা, মৃত আম্বিয়া খাতুন এর ওয়ারিশঃ-পুত্রঃ ১২(ক)-জসিম উদ্দিন, ১২(খ)-বশির উল্লা, ১২(গ)-আবুল কালাম, সর্ব পিতামৃত-ইব্রাহীম খলিল, সাং-শিকারপুর, থানা-সদর দক্ষিন, ১২(ঘ)-নাছিমা আক্তার, পতি-আঃ লতিফ, সাং-কুসুম বাড়ী, থানা-সদর দক্ষিন, ১২(ঙ)-রোকেয়া বেগম, পতি-মোঃ মারুফ, সাং-ছোট বাতুয়া, থানা-বরুড়া, জেলা-কুমিল্লা, ১৩) আবদুল মালেক, ১৪) আবদুল খালেক, উভয় পিতা-আবদুল ছামাদ, সাং-দঃ জয়কামতা, ১৫) মোঃ নুরুল আমিন, ১৬) মোহাম্মদ আলী, উভয় পিতা-আবদুল ছামাদ, সাং দঃ জয়কামতা, সর্বথানা-লাকসাম, জিলা-কুমিল্লা। ...... বাদীগন।

বনাম

১) আলী হোসেন, ২) আহাম্মদ হোসেন, ৩) জয়নাল আবদিন, সর্ব পিতামৃত-ইয়াকুব আলী, সাং-দঃ জয়কামতা, ৪(ক)-স্ত্রীঃ করফুলের

নেছা, পতিমৃত-আলী আজ্জম, ৪(খ)-পুত্রঃ আঃ মারেক, ৪(গ)-কন্যা মরিয়ম বিবি, সর্ব পিতামৃত-আলী আজ্জম, সাং-রাইপুর, পোঃ-হাজতখোলা, থানা-লাকসাম, ৪(ঘ)-কন্যা নাছিমা আক্তার, পতি-নাছির আহাম্মদ, সাং-জগৎপুর, থানা-কোতয়ালী, জিলা-কুমিল্লা (Amended vide order dated 17.04.2000) .... বিবাদীগন।

৫) আয়েশা খাতুন, পতিমৃত-মীর হোসেন, সাং-মান্দারি, উপজেলা-লাকসাম, কুমিল্লা। ..... মূল বিবাদীগন। মৃত নছর উদ্দিনের ওয়ারিশঃ-৬) ওছমান আলী, পিতামৃত-নছর উদ্দিন, সাং-রাইপুর, ৭) সিরাজুল হক, পিতা-ঐ, সাং-ঐ, ৯) কর্তন (আদেশ নং-২২, তাং ১/৪/৯২) ১০) আবিদা খাতুন, পতি-আলী আকবর, সাং-উঃ জয়কামতা, মৃত মির হোসেনর ওয়ারিশঃ-১১) স্ত্রীঃ আয়েশা খাতুন, সাং-মানদারী, ১২) আলেক হোসেন, সাং-ঐ, ১৩) আবদুল কাদের, সাং-ঐ, ১৪) রাবেয়া খাতুন, সাং-ঐ, ১৫) সাবেজা বেগম, সাং-ঐ, ১৬) রেহানা বেগম, সাং-ঐ, সর্ব পিতামৃত-মির হোসেন, সাং-মান্দারী, উপজেলা-লাকসাম, জিলা-

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কুমিল্লা। মৃত আমির উদ্দিনের ওয়ারিশঃ-১৭) কর্তন (Amendd vide order no.92 of 23.03.95), ১৮) ফাতেমা খাতুন, পতিমৃত-নছর উদ্দিন, সাং-মান্দারী, উপজেলা-লাকসাম, মৃত কুলছুম বিবির ওয়ারিশঃ-১৯) মরিয়ম বিবি, পিতামৃত-আলী আজগর, সাং-মান্দারী, ২০) হাজেরা বিবি, পতি-সিরাজুল ইসলাম, সাং-দক্ষিন হাজতীয়া, উপজেলা-লাকসাম, জিলা-কুমিল্লা। ... মোকাবিলা বিবাদীগন। ২১) জয়গুন বিবি, পতি-অজ্ঞাত, সাং-জয়কামতা, থানা-লাকসাম, জিলা-কুমিল্লা, ২২) চান্দ মিঞা, পিতামৃত-আবদুল আজিজ, সাং-লাইপুরা, ২৩) রাবিয়া খাতুন, পতিমৃত-আবদুল আজিজ, সাং-মান্দারিয়া, থানা-কোতয়ালী, জিলা-কুমিল্লা, ৮/৬/৯৮ ইং তারিখের আদেশে মৃত ২৪ নং বিবাদীর ওয়ারিশের নামঃ-২৪(ক)-হাবিবুল্লাহ, ২৪(খ)-আঃ মান্নান, ২৪(গ)-নয়ন তারা, ২৪(ঘ)-জাহেদা বেগম, ২৪(ঙ)-লহরের নেছা, ২৪(চ)-মোমেনা খাতুন, সর্ব পিতামৃত-আলী মিয়া, সাং-দক্ষিন জয়কামতা, ২৫) মোঃ হাবিবুল্লা, পিতামৃত-আলী মিয়া, ২৬) আঃ মন্নান, পিতামৃত-

৫

আলী মিঞা, সাং-জয়কামতা, ২৭) নয়ন তারা, পতিমৃত-কালা মিঞা, সাং-শাকতলা, থানা-লাকসাম, জিলা-কুমিল্লা, ২৮) জায়েদা খাতুন, পতি-আঃ ছামাদ, সাং-শাকতলা, থানা-লাকসাম, জিলা-কুমিল্লা, ২৯) নাজতের নেছা, পতি-আঃ হামিদ ওরফে সুনি মিয়া, সাং-কালিকাপুর, থানা-বরুড়া, জিলা-কুমিল্লা, ৩০) মোমেনা খাতুন, পতি-মোস্তাফিজুর রহমান, সাং-নোয়াপাড়া, থানা-বরুড়া, জিলা-কুমিল্লা, ৩১(ক)-সামছুল হক, ৩১(খ)-ছলিমুল্লাহ, ৩১(গ)-কলিমুল্লাহ, ৩১(ঘ)-রাহেলা বেগম, সর্ব পিতামৃত-আশ্বাদ উল্লাহ, সাং-জয়কামতা, ৩১(ঙ)-ফিরোজা বেগম, পতি-আলী আকবর, সাং-জয়কামতা, ৩২) নাম কর্তন, ৩৩) নাম কর্তন (৮/৬/৯৮ ইং তারিখের আদেশ মতে সংশোধিত), ৩৪) লালমতি বিবি, পতিমৃত-আঃ কাদের, সাং-জয়কামতা, ৩৫) আবু জাহের, ৩৬) মাসুমা খাতুন, ৩৭) ছালহা বেগম, সর্ব পিতামৃত-আঃ কাদের, ৩৮) রহিমা খাতুন, পতিমৃত-আঃ মন্নান, সাং-হলদিয়া, থানা-লাকসাম, জিলা-কুমিল্লা, ৩৯) রাহাতের নেছা, পতি-আবুল হাশেম, সাং-

রামচন্দ্রপুর, থানা-চৌদ্দগ্রাম, জিলা-কুমিল্লা, ৪০) সামছুন নাহার, পতি-আঃ রব, সাং-মশকিপুর, থানা-বরুড়া, জিলা-কুমিল্লা, ৪১) আঃ লতিফ, পিতামৃত-হাজি আবু তালেব, সাং-দক্ষিন জয়কামতা, ৪২(ক)-ফয়েজ আহম্মদ, পিতামৃত-আনু মিয়া, ৪২(খ)-রহিমা বেগম, পতি-ইব্রাহীম, ৪২(গ)-হাফেজা খাতুন, পতিমৃত-আনু মিয়া, সাং-দঃ জয়কামতা, থানা-কোতয়ালী, জিলা-কুমিল্লা। ... বিবাদীগন। ৪৫) হাফেজা খাতুন, পতি-আব্বাছ আলী, ৪৬) আবু তাহের, ৪৭) আবদুল হক, উভয় পিতা-সামছুল হক, ৪৮) সামছুল হক, পিতামৃত-ছলিম উদ্দিন, সাং-রায়পুর, ৪৯) নূরের নেছা, পতি-মফিজের রহমান, সাং-রায়পুর, থানা-লাকসাম, জিলা-কুমিল্লা, ৫০) আমেনা খাতুন, পতি-জুলফু মিঞা, সাং-লক্ষীপুর, ৫১) আনোয়ার হোসেন, ৫২) জাহেদা খাতুন, উভয় পিতা-সিরাজুল ইসলাম, সাং-দঃ হাজতিয়া, ৫৩) ফজলুর রহমান, পিতা-আনা মিঞা, ৫৪) হালিমা খাতুন, পতি-ফজলুর রহমান, ৫৫) মোহাম্মদ কামাল হোসেন, পিতা-সিরাজুল ইসলাম, সাং-দক্ষিন হাজতিয়া, থানা-

লাকসাম, জিলা-কুমিল্লা, ৫৬) সহিদ উদ্দিন আহাম্মদ, পিতামৃত-জহির উদ্দিন আহাম্মদ, সাং-মান্দারী, থানা-লাকসাম, জেলা-কুমিল্লা। .... মোকাবিলা বিবাদীগন।

দাবী বাবদ

স্বত্ব সাব্যস্থক্রমে খাস দখলের প্রার্থনা সহ মোকদ্দমা ডিক্লারেশন বাবদ তায়দাদ মং ৯৪,৬০০/- টাকা (আপীল মোকদ্দমার আদেশ নং-১১, তাং ৯/১/০৭ ইং মোতাবেক সংশোধিত)।

এই মোকদ্দমা অদ্য ৬/১১/২০১৬ ইং তারিখে চূড়ান্ত নিস্পত্তির জন্য বেগম শায়লা শারমিন, যুগ্ম জেলা জজ ২য় আদালত, কুমিল্লা এর সমক্ষে বাদীপক্ষে মিঃ শংকর কুমার সাহা, এডভোকেট এবং বিবাদীগনের পক্ষে মি. মোঃ রফিকুল ইসলাম, এডভোকেটদের সাক্ষাতে আদেশ হয় যে, that the suit be dismissed on contest against defendant no.1-5/51/52/54 and ex-parte against the rest without any cost.

৮

১ম তপছিল

জিলা-কুমিল্লা, উপজেলা-লাকসাম, মৌজে-মাদারী মধ্যে বিগত চাকলা রোশনাবাদ জরীপের ৭নং এবং বিগত এস,এ, জরীপের ১৮/১৯/২০ নং খতিয়ান ভূক্তঃ-

(ক)

ক্রমিক নং	দাগ নং	জমির শ্রেনী	পরিমান
১)	৩৮/৫	ভিটি	.৮০ একর
২)	৩৯	বাগান	.০৪ "
৩)	৪০	নাল	.৬৪ "
৪)	৫৯	ছাট	.২৩ "
৫)	৬১	ভিটি	.১৯ "
৬)	৬২	কুয়ারপাড়	.০৫ "
৭)	৬৩	কুয়া	.০৪ "
৮)	৬৪	ভিটি	.১৬ "
৯)	৬৫	বাগান	.১২ "
১০)	৬৬	বশত	.২৭ "
১১)	৬৭	গড়	.১২ "
১২)	৬৮/১০৪	ভিটি	.০৬ "

মোট=~~২.২৭~~ 2.92 একর

(খ)

জিলা-কুমিল্লা, উপজেলা-লাকসাম, মৌজে-মাদারী মধ্যে বিগত চাকলা রোশনাবাদ জরীপের ৪৮ নং খতিয়ান এবং বিগত এস,এ, জরীপের ৩২ ও ১০২ নং খতিয়ান ভূক্তঃ-

ক্রমিক নং	দাগ নং	জমির শ্রেনী	পরিমান
১)	৫৩২	নাল	.৫৬ একর।
২)	৫৩৩	নাল	.৫৪ "
৩)	৫৫৩	নাল	.৭১ "
			মোট=১.৮১ একর।

(গ)

জিলা-কুমিল্লা, উপজেলা-লাকসাম, মৌজে-মাদারী মধ্যে বিগত চাকলা রোশনাবাদ জরীপের ১২২ নং খতিয়ান এবং বিগত এস,এ, জরীপের ১৯০ ও ১৯১ নং খতিয়ান ভূক্তঃ-

ক্রমিক নং	দাগ নং	জমির শ্রেনী	পরিমান
১)	৭২৫	নাল	.৭১ একর।
২)	৭১৪	নাল	.১৫ "
৩)	৮৬৯	নাল	.৯৩ "
			সর্বমোট=১.৭৯ একর।

সর্বমোট ৬.৩২ একর।

৪৮

২য় তপছিল (নালিশী)
(ক)

জিলা-কুমিল্লা, উপজেলা-লাকসাম, মৌজে-মান্দারী মধ্যে বিগত চাকলা রোশনাবাদ জরীপের ৭ নং এবং বিগত এস,এ, জরীপের ১৮/১৯/২০ নং খতিয়ান ভূক্তঃ-

ক্রমিক নং	দাগ নং	জমির শ্রেনী	পরিমান
১)	৩৮/৫	ভিটি	.৭০ একর
২)	৩৯	বাগান	.০৪ "
৩)	৪০	নাল	.৬৪ "
৪)	৬১	ভিটি	.১৯ "
৫)	৬২	কুয়ারপাড়	.০৫ "
৬)	৬৩	কুয়া	.০৪ "
৭)	৬৪	ভিটি	.১২ "
৮)	৬৫	বাগান	.১২ "
৯)	৬৬	বশত	.২৭ "
১০)	৬৭	গড়	.১২ "
১১)	৬৮/১০৪	ভিটি	.০৬ "

মোট=২.৩৫ একর

(খ)

জিলা-কুমিল্লা, উপজেলা-লাকসাম, মৌজে-রাইপুর মধ্যে বিগত

৩২

চাকলা রোশনাবাদ জরীপের ৪৮ নং খতিয়ান এবং বিগত এস,এ,

জরীপের ৩২ ও ১০২ নং খতিয়ান ভূক্তঃ-

ক্রমিক নং	দাগ নং	জমির শ্রেনী	পরিমান
১)	৫৩২	নাল	.৫৬ একর ।
২)	৫৩৩	নাল	.০২ "
৩)	৫৫৩/৩	নাল	.৭১ "

মোট=১.২৯ একর ।

(গ)

জিলা-কুমিল্লা, উপজেলা-লাকসাম, মৌজে-জয়কামতা মধ্যে বিগত

চাকলা রোশনাবাদ জরীপের ১২২ নং খতিয়ান এবং এস,এ,

জরীপের ১৯০ ও ১৯১ নং খতিয়ান ভূক্তঃ-

ক্রমিক নং	দাগ নং	জমির শ্রেনী	পরিমান
১)	৭২৫	নাল	.৭১ একর ।
২)	৭১৪	নাল	.১৫ "
৩)	৮৬৯	নাল	.৬২ "

সর্বমোট=১.৪৮ একর ।

৩য় তপছিল

মোকামঃ কুমিল্লার ৩য় সাব জজ আদালতের ১৯৮১ ইং সনের ৭৮

নং দেওয়ানী বন্টন মোকদ্দমার আরজির ৩য় দফার বর্ননা মতে ও

২২/২/৮২ ইং এবং ফিরিস্তি যুক্তে আদালতে দাখিলকৃত দলিল

যাহার নং-৫০৪২ তাং ৩/৬/৬৯ ইং তারিখ এবং ৮০৫৬ নং দলিল

তাং ১৪/১২/৬৮ ইং তারিখের এবং লাকসাম উপজেলা মুন্সেফী

আদালতের ৩০৫/৮১ ইং যাহার বর্তমান নং-৫১৬/৮৪ ইং আরজির

৩য় দফায় উল্লেখিত ৫০৪২ তাং ৩/৬/৬৯ ইং এবং ৮০৫৬ তাং

১৪/১২/৬৮ ইং দলিল দুইটি একদা কাল্পনিক জাল, বানাউটি,

তঞ্চকী, যোগসাজশী ও অকার্যকর বটে।

<u>৪র্থ তপছিল</u>

জেলা-কুমিল্লা, থানা-লাকসাম, সাব রেজিষ্ট্রি অফিসের ১৭/৫/৮০

ইং তারিখের ৬৪০৪ নং কবলা দলিল। যাহার দাতা চান্দ মিয়া

পিতামৃত-আঃ আজিজ, সাং-লক্ষীপুর, থানা-কোতয়ালী---গ্রহিতা,

১) ফজলুর রমান, পিতা-আনা মিয়া, ২) হালেমা খাতুন, পতি-

ফজলুর রহমান, সাং-মান্দারী, থানা-লাকসাম, জিলা-কুমিল্লা।

৫ম তপছিল

জিলা-কুমিল্লা, থানা-লাকসাম, সাব রেজিষ্ট্রি অফিসের ২৩/১২/৯৫ ইং তারিখে ১৮৬৫২ নং কবলা দলিল। যাহার গ্রহিতা সহিদ উদ্দিন আহাম্মদ, পিতামৃত-জহির উদ্দিন আহাম্মদ, সাং-মান্দারী, থানা-লাকসাম এবং দাতা ফজলুর রহমান, পিতামৃত-আনা মিয়া, সাং-মান্দারী, থানা-লাকসাম, জিলা-কুমিল্লা।

এবং

এই মোকদ্দমার খরচা বাবদ মবলগে .... অদ্য হইতে আদায়ের তারিখ এবং শতকরা বার্ষিক .... টাকা হারে সুদ সহিদ .... কে আদায় দেন।

অদ্য সন ২০১৬ ইং সালের ৬/১১ ইং তারিখে আমার স্বাক্ষর ও আদালতের মোহরযুক্ত মতে দেওয়া গেল।

স্বাঃ অপাঠ্য
১৩.১১.১৬
যুগ্ম জেলা জজ
২য় আদালত, কুমিল্লা।

মোকদ্দমার খরচঃ

বাদী	টাকা	পয়সা	প্রতিবাদী	টাকা	পয়সা
১) আরজির নিমিত্ত ষ্ট্যাম্প-	৭৫/- +৩০৪০ =৩১১৫	-	১) ওকালতনামার নিমিত্ত ষ্ট্যাম্প	১৮/-	-
২) ওকালতনামার নিমিত্ত ষ্ট্যাম্প-	৩৭/-	-	২) দরখাস্ত ও এফিডেভিটের নিমিত্তে ষ্ট্যাম্প-	৫০৯/-	-
৩) দরখাস্থ ও এফিডেভিটের নিমিত্ত ষ্ট্যাম্প-	৮৩৪/-	-	৩) উকিলের রসুম-	১০৭৩/-	-
৪) পরওয়ানা জারীর তলবানা	৪৭/-	-	৪) কমিশন ফি	-	-
৫) টাকার উপর উকিলের রসুম	১০৭৩/-	-	৫) ডেমি কাগজ	-	
৬) অন্যান্য খরচ	৩০০/-	-	৬) অন্যান্য	৩০০/-	
সর্বমোট	২৩৬৬+ ৩০৪০ =৫৪০৬	টাকা মাত্র	**সর্বমোট=**	**১৯০০/-**	টাকা মাত্র